CONDITIONAL USE RESOLUTION NO. CON2004-00009

WHEREAS, C. Tim Harbaugh and Olinda Harbaugh (Owner/Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for bed and breakfast inn on 10 acres zoned "RR" Rural Residential described as:

> The North 334 feet of the South 1327 feet of the East Half of the Southeast Quarter of Section 4, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located one-fourth mile north of 79th Street South on the west side of Greenwich Road.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of April 8, 2004, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a Conditional Use for bed and breakfast on 10 acres zoned "RR" Rural Residential described as:

> The North 334 feet of the South 1327 feet of the East Half of the Southeast Quarter of Section 4, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located one-fourth mile north of 79th Street South on the west side of Greenwich Road.

subject to the following conditions:

1. The site shall be developed and operated in general conformance with the MAPD approved site plan and landscape plan.

2. Construction of improvements shall be completed within one year of approval by the appropriate governing body.

3. The applicant shall obtain all inspections, permits and licenses from the governing body prior to operating the bed and breakfast inn.

4. The owner or the manager of the bed and breakfast inn shall reside in the primary structure.

5. There shall be three rooms designated for the bed and breakfast business and there shall be a maximum of six transient guests at any one time. These rooms shall be shown on a floor plan required for approval by Code Enforcement Office for a change of occupancy to bed and breakfast inn within a single-family residential structure.

6. No signage permitted.

7. Four parking spaces shall be provided onsite as indicated on the approved site plan, with one space for the owner/resident-manager of the property and three spaces for the guests. The parking area shall be paved, marked and be located in the rear yard of the property behind the main structure.

8. The existing evergreen screening shall be maintained or a screening wall or fence constructed of brick, stone, concrete masonry, stucco, concrete or wood (not including woven wire) at least six but not more than eight feet in height, or solid evergreen screening shall be installed to screen the portion of the rear yard used for ancillary activities with the bed and breakfast inn from the adjoining residential lots. If the property is platted into any additional residential lots, screening per the Unified Zoning Code shall be required to buffer the bed and breakfast inn from any new residential lots.

9. Lighting shall be directed downward and away from adjoining properties and shall be limited to no more than 14 feet in height for any lighting, including the pole, base and fixture.

10. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

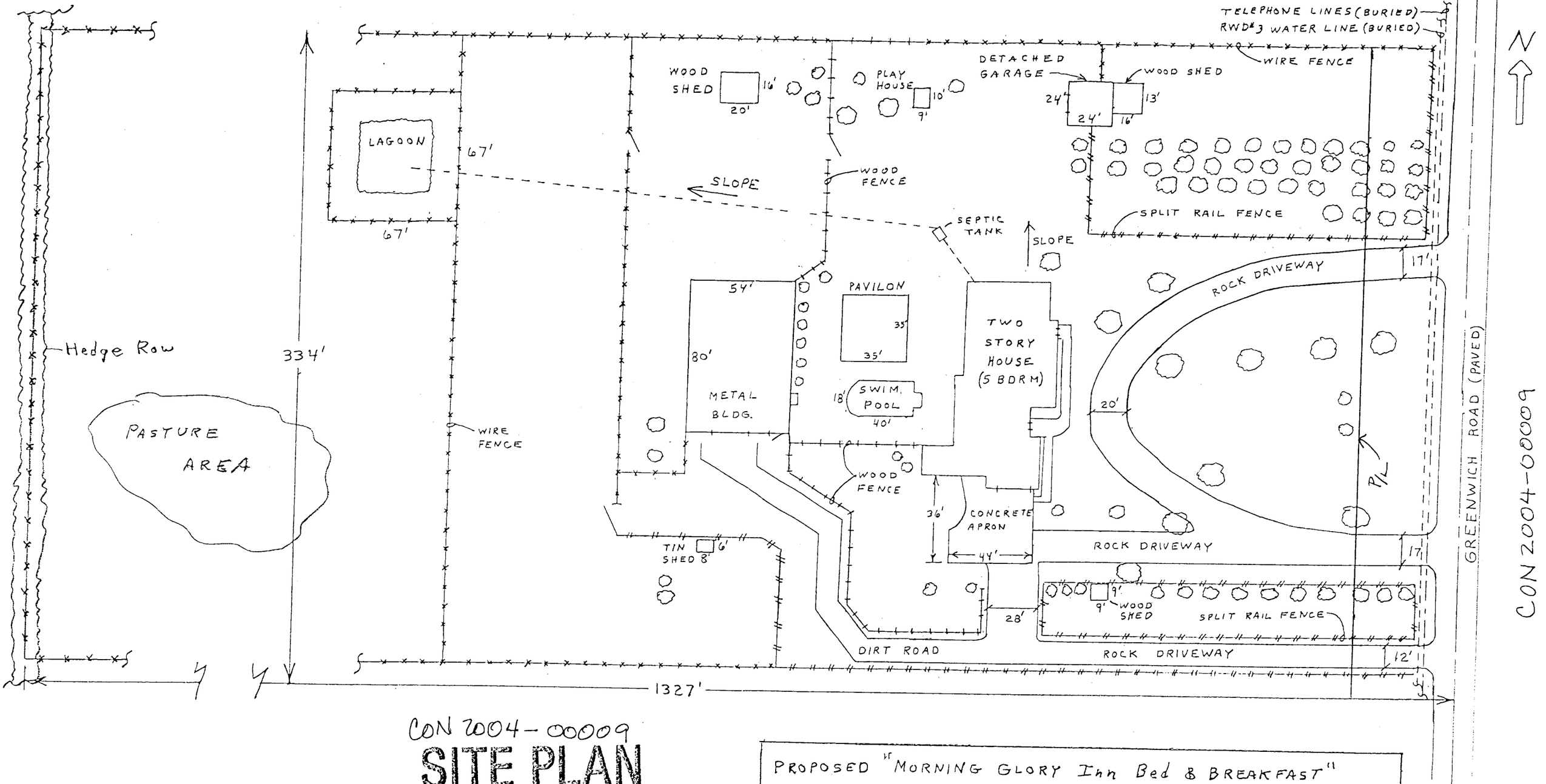
Adopted this 8th DAY of APRIL, 2004. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

Ronald L. Marnell, Chair MAPC

ATTEST:

John L. Schlegel, Secretary



CON 2004-00009

SITE PLAN

APPROVED 04/29/04 BY DS

PROPOSED "MORNING GLORY Inn Bed & BREAKFAST"
C. TIM & OLINDA A. HARBAUGH
7819 S. GREENWICH, DERBY, KS 67037
N. 334' of S. 1327' of E/2 SE/4, Exc. E. 60' for Road, Sec. 4-29-2E, SCK

Scale: 1" = 50'

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 9

STAFF REPORT

MAPC April 8, 2004
Derby PC April 1, 2004

CASE NUMBER: CON2004-00009

APPLICANT/OWNER: C. Tim Harbaugh and Olinda Harbaugh

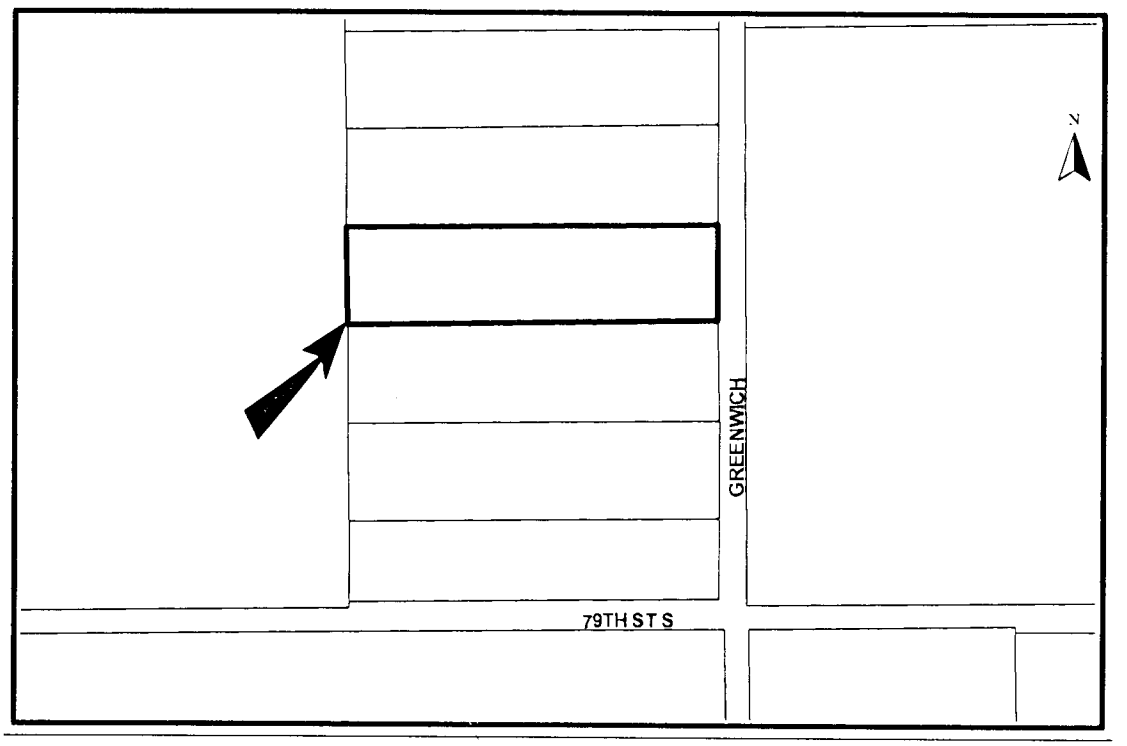
REQUEST: Conditional Use for bed and breakfast inn

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10 acres

LOCATION: One-fourth mile north of 79th Street South on the west side of Greenwich Road

PROPOSED USE: Bed and breakfast inn



BACKGROUND: The applicants, C. Tim Harbaugh and Olinda Harbaugh, are requesting a Conditional Use to allow a 3-bedroom bed and breakfast inn to be operated at their 5-bedroom residence at 7819 S. Greenwich Road. The lot is 10 acres and is located on the west side of Greenwich one-fourth mile north of 79th Street South. The existing house is a two-storey structure with a brick exterior with a steeply sloping shingle roof. A long circle rock driveway connects the house with the road. A variety of accessory structures are located on the property, including a large metal building, a pavilion, a swimming pool, a playhouse, several woodsheds and a detached garage. It has a deep setback of about 150 feet from Greenwich Road, and landscape vegetation buffering the site from the adjacent residential lots.

According to the Unified Zoning Code (UZC), a Bed and Breakfast is an owner-occupied or manager-occupied residential structure that provides rooms for temporary lodging or lodging and meals for not more than 15 transient guests on a paying basis. A transient guest is a person who occupies a room for a period of less than one week at a time.

All surrounding properties are zoned "RR" Rural Residential. The quarter section has eight 10-acre tracts along the west side of Greenwich and the east side is in agricultural use. The subject residence is 135 feet from the residence to the south and 250 feet from the residence to the north. About half the land in the vicinity is devoted to large suburban residences and the rest remains in agricultural use. The property is one-half mile east of the Derby municipal limits.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Single-family residences
SOUTH:	"RR"	Single-family residences
EAST:	"RR"	Agriculture
WEST:	"RR"	Agriculture

PUBLIC SERVICES: Access is from Greenwich Road. Greenwich has a 60-foot half-width right-of-way abutting the application area and is a two-lane paved rural road. The traffic count in 2000 on Greenwich Road north of 79th Street South was 2,635 ADT (average daily traffic). The 2030 projection is 6,000 ADT.

The site is on a private lagoon. It is within the Sedgwick County Rural Water District #3.

CONFORMANCE TO PLANS/POLICIES: The 2001 Sedgwick County Development Guide Land Use Guide of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this area as "rural".

The Unified Zoning Code ("UZC") allows bed and breakfast as a Conditional Use in the residential zoning districts in compliance with UZC site requirements for parking, screening, lighting, and compatibility setback standards and with Landscape Ordinance requirements. No specific requirements are included in the UZC for bed and breakfast inn other than the stipulation that it be an owner-occupied or manager-occupied structure.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the request be APPROVED, subject to the following conditions:

1. The site shall be developed and operated in general conformance with the MAPD approved site plan and landscape plan.

2. Construction of improvements shall be completed within one year of approval by the appropriate governing body.

3. The applicant shall obtain all inspections, permits and licenses from the governing body prior to operating the bed and breakfast inn.

4. The owner or the manager of the bed and breakfast inn shall reside in the primary structure.

5. There shall be three rooms designated for the bed and breakfast business and there shall be a maximum of six transient guests at any one time. These rooms shall be shown on a floor plan required for approval by Code Enforcement Office for a change of occupancy to bed and breakfast inn within a single-family residential structure.

6. Signage shall be per sign code or the following, whichever is more stringent: No freestanding sign shall be allowed. One building wall sign shall be permitted to identify the establishment. This sign shall be mounted on the front facade of the house, be no more than nine square feet in size and be lit with indirect lighting only or no lighting. The Code Enforcement Office shall review and approve the sign as to compliance with the location and materials required.

7. Four parking spaces shall be provided onsite as indicated on the approved site plan, with one space for the owner/resident-manager of the property and three spaces for the guests. The parking area shall be paved, marked and be located in the rear yard of the property behind the main structure.

8. The existing evergreen screening shall be maintained or a screening wall or fence constructed of brick, stone, concrete masonry, stucco, concrete or wood (not including woven wire) at least six but not more than eight feet in height, or solid evergreen screening shall be installed to screen the portion of the rear yard used for ancillary activities with the bed and breakfast inn from the adjoining

residential lots. If the property is platted into any additional residential lots, screening per the Unified Zoning Code shall be required to buffer the bed and breakfast inn from any new residential lots.

9. Lighting shall be directed downward and away from adjoining properties and shall be limited to no more than 14 feet in height for any lighting, including the pole, base and fixture.

10. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All surrounding properties are zoned "RR" Rural Residential. The quarter section has eight 10-acre tracts along the west side of Greenwich and the east side is in agricultural use. The subject residence is 135 feet from the residence to the south and 250 feet from the residence to the north. About half the land in the vicinity is devoted to large suburban residences and the rest remains in agricultural use. The property is one-half mile east of the Derby municipal limits.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential and is developed with a suburban single-family residence, and could continue to be used as a single-family dwelling.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The bed and breakfast inn would introduce a nonresidential that is not considered to be an agricultural use.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Comprehensive Plan identifies this property as "rural." The Unified Zoning Code permits bed and breakfast inn as a Conditional Use when it is determined to be an appropriate site for this type of use and when the bed and breakfast inn can meet site development requirements of the Conditional Use and UZC. The conditions of approval are designed to meet these criteria.

5. Impact of the proposed development on community facilities: The impact on community facilities should be minimal so long as all required parking is onsite and is adequately paved and screened from adjoining properties.